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FACSIMILE TRANSMITTAL SHEET

FIRM/COMPANY: USPTO

FACSIMILE NUMBER: 571-273-2885

**CONFIRMATION
TELEPHONE:**

FROM: PAUL A. SCHWARZ, ESQ.

DIRECT DIAL: 609.631.2446

DATE: July 12, 2006

FILE : ATTORNEY DOCKET NO.: IMPLEX-13/n0747-29
APPLICATION SERIAL NO. 10/035,863
FILED: 12/31/2001
ART UNIT: 3733

TOTAL # OF PAGES: SEVEN
(INCLUDING COVERSHEET)

Message: Please see attached.

NOTE: Original will NOT follow.

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CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)		Docket No. IMPLEX-13	
Applicant(s): Bruce Robie		JUL 12 2006	
Application No. 10/035,863	Filing Date 07/12/2006	Examiner Pedro Philogene	Group Art Unit 3733
Invention: INSTRUMENT SYTEM FOR PREPARING A DISC SPACE BETWEEN ADJACENT VERTEBRAL BODIES TO RECEIVE A REPAIR DEVICE			
<p>I hereby certify that this <u>Issue Fee Payment and Transmittal, and Entity Status Correcting Letter</u> (Identify type of correspondence)</p> <p>is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>571-273-2885</u>)</p> <p>on <u>July 12, 2006</u> (Date)</p> <p><u>PAUL A. SCHWARZ, PTO Reg. No. 37,577</u> (Typed or Printed Name of Person Signing Certificate)</p> <p><u>[Signature]</u> (Signature)</p>			
Note: Each paper must have its own certificate of mailing.			

ATTORNEY DOCKET NO. IMPLEX-13**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Patent Application of : Bruce Robie, et al.

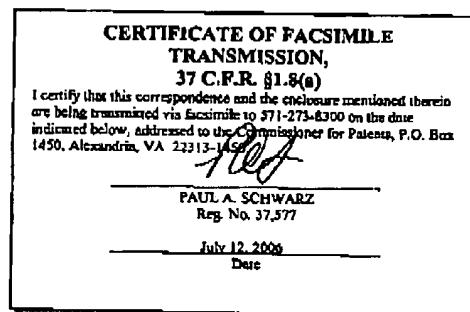
Serial No.: 10/035,863

Art Unit: 3733

Filed: 12/31/2001

Examiner: Pedro Philogene

Title: **INSTRUMENT SYSTEM FOR PREPARING A
DISC SPACE BETWEEN ADJACENT VERTEBRAL
BODIES TO RECEIVE A REPAIR DEVICE**



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LETTER RE CORRECTING ERROR IN ENTITY STATUS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reviewing our application file in preparation for attending to the payment of the Issue Fee, it was discovered that a petition for a one month extension of time was filed on April 15, 2005 using a "small entity" petition form which authorized the USPTO to charge the

corresponding "small entity" petition fee to the undersigned attorney's deposit account. A "small entity" amendment transmittal form was also used in the filing of the corresponding amendment and response on April 15, 2005.

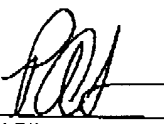
The payment of the small entity petition fee and the use of the small entity petition and amendment transmittal forms were erroneous, but made in good faith. This is the only occurrence of an error in fee payment, as a small entity, subsequent to the change in entity status from small to large entity filed on or about October 25, 2004. It should be noted, however, that a prior error in entity status was made in good faith on July 30, 2004 and corrected via the aforementioned change in entity status filed on or about October 25, 2004.

Thus, in accordance with 37 CFR §1.28(c), Applicants request that the error in small entity status be excused. The separate submission and itemization requirements of 37 CFR §1.28(c) are provided below.

On April 15, 2005 the aforementioned petition for a one month extension of time was filed with an Amendment and the statutory small entity petition fee of \$60. In accordance with 37 CFR §1.28(c)(2)(i), the deficiency owed for the petition fee is calculated as the difference between the current fee amount, for other than a small entity, on the date the deficiency is paid in full (\$120) and the amount of the previous small entity fee payment (\$60). The difference is \$60.

Accordingly, Applicant hereby authorizes the Commissioner to charge Deposit Account No. 04-1679 in the amount of \$60.00 for the total deficiency owed as calculated above. The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 04-1679.

Respectfully submitted,

By: 
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Dated: July 12, 2006